

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SPC-03 SS-15

USIA-15 ACDA-19 IO-13 AID-20 CEQ-02 COA-02 COME-00

EB-11 EPA-04 NSF-04 SCI-06 DRC-01 /179 W

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R 111446Z SEP 73

FM USMISSION BERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 2383

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS 6153

USMISSION NATO

C O N F I D E N T I A L BERLIN 1572

EO 11652: GDS

TAGS: PGOV, WB, GW, UR

SUBJECT: SOVIET PROTEST TO AMBASSADORS ON ESTABLISHMENT IN BERLIN
OF FEDERAL OFFICE FOR ENVIRONMENTAL PROTECTION

REF: BERLIN 1492

1. SUMMARY: SOVIET EMBASSY COUNSELLOR SEPTEMBER 10
DELIVERED TO CHAIRMAN DEPUTY COMMANDANT (FRENCH) UN-
ADDRESSED COMMUNICATION PROTESTING ESTABLISHMENT IN
BERLIN OF FEDERAL OFFICE FOR ENVIRONMENTAL PROTECTION
AS VIOLATION OF QA. BELETSKIY ASKED THAT COMMUNICATION
BE FORWARDED TO ALLIED AMBASSADORS. FRENCH MINISTER
UNDERTOOK TO CONVEY COPIES OF STATEMENT BUT COMMENTED PRESENCE OF
OFFICE ACCORDED WITH QA'S PROVISION ON DEVELOPMENT OF
TIES BETWEEN WEST BERLIN AND FRG. END SUMMARY.

2. FOLLOWING UP HIS MORE INFORMAL COMMENTS TO US POLAD
IN COURSE OF OTHER BUSINESS AUGUST 28, SOVIET EMBASSY
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COUNSELLOR BELETSKIY CALLED ON MINISTER KOENIG AS

CHAIRMAN DEPUTY COMMANDANT SEPTEMBER 10 TO READ OFF FOLLOWING STATEMENT PROTESTING FRG PLANS TO ESTABLISH OFFICE OF ENVIRONMENTAL PROTECTION IN WEST BERLIN. BELETSKIY SAID DEMARCHE WAS BEING MADE AT MINISTERIAL LEVEL "TO UNDERSCORE IMPORTANCE OF MATTER," AND ASKED THAT COPIES OF STATEMENT, WHICH HE LEFT IN RUSSIAN, BE FORWARDED TO ALLIED AMBASSADORS. BEGIN TEXT: ACCORDING TO OUR INFORMATION, FRG GOVERNMENT CIRCLES ARE DISCUSSING PLANS TO LOCATE IN WEST-BERLIN A NEW ORGAN ESTABLISHED FOR THE PROTECTION OF THE ENVIRONMENT.

AS IS WELL KNOWN, DURING THE NEGOTIATION AND CONCLUSION OF THE QA, THE SOVIET UNION, THE UNITED STATES, GREAT BRITAIN, AND FRANCE PROCEEDED FROM THE PREMISE THAT THE FEDERAL PRESENCE IN THE WESTERN SECTORS OF BERLIN WAS TO BE REDUCED (SPECIFIC PROVISIONS IN THIS REGARD WERE CONTAINED IN THE QA), AND THAT THE EXISTING SITUATION AS DEFINED BY THE QA WOULD NOT BE MODIFIED UNILATERALLY.

THE LOCATION OF A NEW FEDERAL ORGAN IN BERLIN (WEST) WOULD BE CONTRARY TO THE MUTUAL UNDERSTANDING REACHED. IN THIS CONNECTION, THE SOVIET SIDE EXPRESSES THE HOPE THAT THE U.S. AUTHORITIES WILL TAKE THE NECESSARY MEASURES SO AS NOT TO PERMIT THE OPENING IN THE WESTERN SECTORS OF BERLIN OF A CENTRAL GOVERNMENT ORGANIZATION OF THE FRG, WHICH THE OFFICE FOR THE PROTECTION OF THE ENVIRONMENT REPRESENTS. IN CALLING THE ATTENTION OF THE WESTERN SIDE TO THIS PROBLEM, WE ARE GUIDED BY THE INTEREST IN RESPECTING AND ASSURING THE NORMAL FUNCTIONING OF THE QA IN ALL OF ITS PARTS. END TEXT.

3. MINISTER KOENIG UNDERTOOK TO TRANSMIT STATEMENT TO OTHER ALLIED MISSIONS, BUT COMMENTED THAT HE DISAGREED WITH SOVIET INTERPRETATION AND REGARDED ESTABLISHMENT OF OFFICE AS CONFORMING WITH QA'S PROVISIONS FOR DEVELOPMENT OF TIES BETWEEN WEST BERLIN AND FRG.

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4. IN RESPONDING TO STATEMENT, WE RECOMMEND ALLIED MISSIONS ALSO DO SO ORALLY AND HEW TO LINE TAKEN BY US POLAD IN RESPONSE TO EARLIER DEMARCHE (REFTEL). WE ARE CONSIDERING IN CONJUNCTION WITH BRITISH AND FRENCH RELATED QUESTION OF APPLICATION IN BERLIN OF LEGISLATION UNDER WHICH FRG ENVIRONMENTAL AGENCY WOULD BE ESTABLISHED. OUR READING IS THAT ANY PROBLEMS THAT MIGHT ARISE, WHICH CAN ONLY BE DETERMINED ONCE

WE HAVE DRAFT LAW BEFORE US FOR REVIEW, COULD BE MET THROUGH BK/L, WHICH WOULD INCLUDE ANY NECESSARY RESERVATIONS IN REGARD TO SPECIAL STATUS OF CITY. SIMILARLY, IF ITS TURNS OUT INTERIM OFFICE IS TO BE SET UP BY MINISTERIAL DECREE PURSUANT TO A POWER STEMMING FROM A LAW ALREADY IN FORCE IN BERLIN, WE COULD REVIEW TERMS OF DECREE AND DETERMINE WHETHER WE SHOULD ISSUE BK/L FORMALLY APPROVING ITS EXTENSION (AND CONTAINING ANY NECESSARY RESERVATIONS) OR WHETHER ALLIED AUTHORIZATION COULD BE IMPLICIT. SHOULD MINISTER ACT UNDER POWER STEMMING FROM LAW THAT IS NOT IN FORCE IN BERLIN, WE MIGHT SUGGEST TO SENAT THAT IT REQUEST ALLIES TO APPROVE EXTENSION OF DECREE TO BERLIN AND WE COULD RESPOND WITH APPROPRIATE BK/L OR BK/O. (WE UNDERSTAND FROM BRITISH THAT FRG FONOFF HAS PASSED SOME ADDITIONAL INFORMATION ON SUBJECT TO EMBASSIES, WHICH MAY CLARIFY APPROACH WE MAY NEED TO TAKE.) BELETSKIY'S DEMARCHES BEING DIRECTED AT OPPOSITION TO ESTABLISHMENT OF OFFICE, HAVE OF COURSE NOT ADDRESSED THIS LATTER ASPECT. WE NEED NOT CONTEND THEREFORE WITH DETAILS OF HOW ALLIES PROPOSE TO REGULARIZE ESTABLISHMENT OF AGENCY AND INTERIM OFFICE IN RESPONDING TO PRESENT SOVIET DEMARCHE, EXCEPT PERHAPS TO NOTE THAT ESTABLISHMENT WILL PROCEED SUBJECT TO ESTABLISHED LEGISLATIVE PROCEDURES INCLUDING ALLIED REVIEW.KLEIN

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